

## DRYS RECEIVE FIRST CONGRESS SETBACK

House Rules Body Refuses Preference to Volstead Supplemental Bill.

## MUST BE REWRITTEN

Straight Anti-Beer Measure by Willis, However, Is Offered by Campbell.

## ANTI-SALOON ROW GROWS

Anderson Breaks In With Charge That Dinwiddie Is Ally of Wets.

Special Despatch to THE NEW YORK HERALD, New York, June 21.—The House of Representatives today rejected the Volstead supplemental bill, 192 to 177.

The Anti-Saloon League and Representative Volstead (Minn.), veteran prohibition legislator, have suffered their first reverse in Congress since the Eighteenth Amendment was passed. Representative Campbell (Kan.), chairman of the House Rules Committee, and himself a strong prohibitionist, informed Mr. Volstead that his supplemental prohibition bill, which knocks out the Palmer beer ruling and makes other drastic dry regulations, will not be given a privileged status by the Rules Committee in its present form. The action means the bill as written will have no chance of reaching the floor in the near future.

"The Rules Committee does not want to report the bill in its present form and won't," Mr. Campbell said.

The Rules Committee has no objection to the sections of the bill prohibiting the prescription of beer as medicine, but has doubts concerning the additional restrictions it places on the chemical and industrial alcohol industries.

Whether the country will be "flooded with medicinal beer" through the putting into effect of the Palmer ruling depends on Mr. Volstead. He and Anti-Saloon League officials have refused to break up the measure.

Meanwhile, the row among prohibition lobbyists grows more bitter. William H. Anderson of the New York Anti-Saloon League today sent a statement to Congress stating that E. C. Dinwiddie, formerly with the league, who has split with its present officers over the beer bill, was now "a de facto ally of the wets" and that he broke with the league when he insisted on ascribing to the office of prohibition commissioner. Mr. Dinwiddie came back with a not denial of the charge.

Explaining his action in introducing a substitute for the Volstead bill, Mr. Campbell said:

"The industrial alcohol features of the original bill will have no long term effect on the prohibition of alcohol only for beverage purposes. The arts and industries are interested in alcohol only for legitimate purposes and we have no constitutional right to pass laws that will prohibit or even embarrass them.

"As soon as Senator Willis's bill comes over to the House from the Senate we can pass it and lay ours on the table and the whole thing will be over to the President in less time than it would take to debate the present Volstead supplemental bill."

## GRAND BANKS VESSELS SMUGGLE LIQUOR HERE

Four Arrested in Gloucester and Boozie Is Seized.

GLoucester, Mass., June 21.—Smuggling of liquor, supposedly by vessels from the fishing grounds, came to light here today. One hundred cases of whiskey, gin, brandy and rum, some of it labeled as originating in the French Islands of St. Pierre and Miquelon, off the Grand Banks, were seized by the police.

Four arrests were made, two of the men being employees of the Gorton-Pew Fisheries Company. One of these was R. Russell Smith, who represented the owners of the schooner Esperanto on her quarter-deck in the international fishing vessel championship races which she won at Halifax last fall.

John A. Powers, another employee of the company, was found at the landing where forty-one cases of liquor were stacked.

## DRY REPRESENTED SELF AS ELK, SAYS PRISONER

BINGHAMTON, June 21.—George Miner of Albany was arraigned before United States Judge Frank B. Cooper in Federal court here today and pleaded not guilty to having a quart of whiskey in his possession on April 20, claiming that the Government agent making the arrest falsely represented himself to be an Elk. He was released in \$1,000 bail.

Maxwell Lennon of Boston and Daniel McNiel of New York were fined \$100 each for bringing liquor from Canada into the United States, and a Cleveland resident automobile they used, valued at \$1,500, was repossessed.

Mike Mitro of Utica was fined \$125 for having liquor in his possession.

Giovanni Maulicuro of Utica pleaded not guilty to transporting liquor and was released on bail.

## NEW LEGION HAD HERE

Major John G. Emery, named commander of the American Legion after the death of Col. F. W. Galbraith recently, will arrive in New York today to attend a farewell dinner to Gen. C. F. Summerall, commander of the 1st Division, who has been assigned to Hawaii. The dinner will be given at Connaught tonight by 1st Division, 1st Jefferson Post, American Legion.

## SIGNALS AT EARTH'S POLE TO TEST EINSTEIN THEORY

Their Return From Different Directions at Same Instant Is Expected to Fix Relative Motion of Earth With Respect to the Ether.

Special Despatch to THE NEW YORK HERALD, Chicago, June 21.—The Einstein theory of relativity is to be subjected to a new practical test by Prof. Albert A. Michelson of the University of Chicago some time within the next year. It was Prof. Michelson's discovery in the field of light which led to the formulation of the much debated theory. The experiment is expected either to lend substantial support to the theory or to disprove it.

Prof. Michelson, now lecturing at the University of Paris on his discoveries relative to the measurement of stars, is expected home about July 1. The test will be conducted under the auspices of the University of Chicago in this city or perhaps in some mountainous country.

Dr. Ludwig Silberstein of the Eastman Research Laboratory at Rochester, N. Y., has worked out the terms of the experiment and requested that it be undertaken. It is said that Dr. Einstein on his recent visit to the United States expressed his belief in the efficacy of the test.

Just what it is planned to do to determine whether Einstein's theory holds was explained here today by Prof. Robert A. Michelson in the department of physics of the University of Chicago. Diving the subject of technical details Prof. Michelson said:

"The special theory of relativity as generally stated consists in the assertion that it is impossible to detect the motion of any body with respect to the ether. The statement would be more conservative if put in the form

## WINES FOR JEWISH HOLIDAYS RETURNED

Justice Borst Decides Police Illegally Seized 641 Cases Ordered by Rabbi.

Justice Henry V. Borst, sitting in the extraordinary term of the Supreme Court, ordered the return yesterday of 641 cases of sacramental wines seized by the police from its owners in a warehouse at 370 Washington street on April 22 last.

At the time the owners of the wines showed Federal permits allowing them to deal in the product, which was being distributed for the Jewish holidays. In court yesterday witnesses from the office of the local Federal prohibition director identified the permits as valid.

Capt. Charles H. McKinney of the Beach street station, with five patrolmen, made the raid after they had arrested Louis Gerlach, a driver, who was loading six cases of wine into a wagon. Gerlach showed orders from Rabbi Max Geher of the Minaker Congregation, 996 Westchester avenue, directing the delivery of the wine to members of his congregation.

Justice Borst's decision may have an important bearing on other seizures of wines just before the Jewish holidays. The Rabbi's Association of the city made a protest against the seizures, but without avail. The national and State prohibition laws allow rabbis to control the delivery of not more than ten gallons of wines a year to each family of the Jewish faith.

Justice Borst also ordered the return of three barrels of whiskey to Timothy F. Pardoll of 8 East Twenty-third street, which were seized with fifty-seven other barrels on April 9 by Patrolman Joseph F. Kervin of the First Inspection district. Pardoll show a Federal permit allowing him sixty barrels of whiskey purchased before national prohibition went into effect.

Patrolman Kervin went into the Pardoll cellar and discovered sixty barrels believed to contain whiskey. At the time it was said twenty of the barrels contained whiskey. After the transit to the police station, which took several

hours, it was discovered that fifty-seven barrels contained nothing but water.

The mystery of the seventeen other barrels of first class whiskey has not yet been solved, but advocates of the Anti-Saloon League are investigating.

It developed in court, however, that Pardoll had signed a stipulation that he would accept the three barrels and waive all claims. L. B. Sabbatino, Assistant District Attorney, said he had Pardoll waive any rights to costs or disbursements in the case.

The Extraordinary Grand Jury investigating liquor cases yesterday dismissed charges against Henry McBride, a porter, of 137 West 141st street, who was charged with having illegally possessed a bottle of gin in his hip pocket when arrested, on June 2, by Patrolman Edward H. Grock. He pleaded guilty to the charge before Magistrate Charles E. Sims.

A jury which tried Leo James, a waiter, for unlawfully possessing liquor at 864 Broadway, on April 20, was unable to agree and was discharged by Justice Borst.

Supreme Court Justice Martin in the Bronx yesterday made permanent an injunction restraining Police Commissioner Enright from stationing patrolmen in the home of Dietrich Wendelkin at 219 Willis avenue.

Rear Admiral J. D. McDonald, now in charge of the New York Navy Yard, will succeed Admiral Jones as commander of the battleship force of the Atlantic fleet when the latter raises his flag as commander in chief.

Rear Admiral W. R. Shoemaker, commander of the Fourteenth Naval district, Hawaii, will relieve Vice-Admiral Williams, commanding the battleship force of the Pacific fleet.

Rear Admiral Nathan C. Twining, chief of staff of the Pacific fleet, will be Naval Attaché at London.

Rear Admiral Casey Morgan will relieve Rear Admiral H. F. Bryan, commanding the special service squadron, and Admiral Egan will relieve Rear Admiral G. P. Cooper as commander of the Eighth Naval District.

Rear Admiral W. H. G. Bullard, director of naval communications, to command the Atlantic fleet.

Rear Admiral G. H. Burrage, commander of the Norfolk yard, to relieve Capt. V. Pratt, commanding the Pacific destroyers; Capt. Pratt to duty on the General Board.

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Admiral Hugh Rodman, now Commander-in-Chief of the Pacific fleet, to command the Fifth Naval District.

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Rear Admiral Phillip Andrews to command Norfolk Navy Yard, relieving Rear Admiral Burrage.

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## NINE RECOMMENDED FOR REAR ADMIRALS

Secretary Denby Announces Those Urged for Promotion by Naval Selection Board.

WASHINGTON, June 21.—Names of five temporary rear admirals and four captains recommended by the Naval Selection Board for promotion to the permanent grade of rear admiral were announced today by Secretary Denby. The list was headed by Rear Admiral Mark L. Bristol, commanding American naval forces in the eastern Mediterranean, and acting as American High Commissioner at Constantinople.

Other rear admirals to be given the permanent grade are Archibald H. Scates, Nathan C. Twining, Richard H. Jackson and Thomas L. Magruder. The captains listed include Benjamin F. Hutchison, Sumner E. W. Kittelle, William V. Pratt and Louis Maculuton.

Rear Admiral Scates, now Superintendent at Annapolis, on June 29 will relieve Admiral Eberle, whose assignment as commander of the Pacific fleet was recently announced, and the Naval Academy post will go to Rear Admiral Henry B. Wilson, relieved by Eberle.

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## 'NEW DREYFUS CASE' RESULTS IN INQUIRY

Senate Committee to Probe Court-Martial of Captain E. C. Chamberlain.

WASHINGTON, June 21.—An investigation is to be made by the Senate Naval Affairs Committee of the dismissal of the Marine Corps of Capt. Edmund C. Chamberlain, San Antonio, aviator, whose story of participation in a thrilling air battle on the western front was one of the sensations of the world war.

Authority for the investigation was granted today by the Senate, which adopted a resolution to that end offered by Senator Sheppard (Texas). The latter, in urging the inquiry, described Capt. Chamberlain's court-martial and dismissal as "another Dreyfus case."

The case of Capt. Chamberlain started with the published story of his exploits and ended with his dismissal from service with the approval of President Wilson. The Marine Corps officer asserted that on July 28, 1918, while on foreign duty he visited a British ship, borrowed a British airplane and took part in a battle with twelve German machines. He asserted that he destroyed five of the German planes, damaged two others, scattered a detachment of German soldiers, landed, took a German prisoner by pretending that a compass was a bomb, and then carried a wounded French soldier to safety.

The story was cabled to the United States and recommendations were made that the officer receive the American Medal of Honor and the British Victoria Cross. Denial of the officer's story by British officers led to court-martial proceedings. Chamberlain contended that the failure of British flyers to corroborate his story was due to the fear that an admission that an American officer had used a British plane would have resulted in their court-martial.

The court-martial, the proceedings of which were reviewed by Rear Admiral Sims, recommended Chamberlain's dismissal. He was returned to the United States and, pending review of his case, remained under arrest, being confined in the District of Columbia.

Details of the Naval Committee's inquiry had not been arranged to-night. Admiral Sims, it was said, might be called in case he was in Washington during the progress of the inquiry.

WASHINGTON, June 21.—The nomination of Edward M. Morgan to be Postmaster at New York was sent to the Senate today by President Harding. The nomination, however, reached the Senate after it had adjourned, so that no action was taken.

Mr. Morgan was reinstated in the Civil Service by order of President Harding in order that he might be appointed, as he is over the age limit for postmasters fixed in a recent order by the Executive.

An announcement by the Post Office Department said Mr. Morgan's appointment was in recognition "of a most unusual record of postal service."

"Mr. Morgan has had a total of forty-four years in the postal service with a most exemplary record," said the announcement, "and with actual service as postmaster in New York city for ten years. At the time of the conclusion of his service in March, 1917, there were on file indorsements from the Merchants' Association, including more than a thousand letters from business men in New York city, in like manner there has been the same universal request for his reappointment."

BECK NOMINATION CONFIRMED. Senate Approves Also That of John T. Rafferty.

WASHINGTON, June 21.—Nominations of James M. Beck of New Jersey, to be Solicitor-General; John T. Rafferty of New York, to be Internal Revenue Collector for the First New York District; Frank Page, for the same position in Rhode Island; and James C. Kinsler of Omaha, to be District Attorney for Nebraska, were confirmed today by the Senate.

DUNEDON SAILS TO-DAY. LONDON, June 21.—The Earl of Dunedon, who has been designated as the British envoy to attend the celebration in Lima of the forthcoming centenary of Peruvian independence, will sail for New York on the steamship Adriatic.

## MORGAN NOMINATED TO BE POSTMASTER

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